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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,472	10/15/2001	Junius A. Evans	62684-5001	3697

7590 10/04/2006

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EXAMINER	
COBANOGLU, DILEK B	
ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/977,472	EVANS ET AL.	
	Examiner	Art Unit	
	Dilek B. Cobanoglu	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 06/07/2006. Claims 1-10 continue pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (U.S. Patent No. 5,997,476) in view of Picardo et al. (hereinafter Picardo) (U.S. Patent No. 7,016,726 B1).

A. Claim 1 has been amended to now recite a method of transmitting metric data from a medical data collecting device to a server computer, the method comprising:

i. receiving a unique resistor value from the medical data collecting device;

ii. determining a cable type of a medical data collecting device(Brown; col. 5, lines 49-57 and col. 4, line 64 to col. 5, line 6) by performing an operation using the unique resistor value and a fixed resistor value;

iii. transmitting a cable type value corresponding to the cable type to a server computer; receiving device configuration instructions from the server computer (Brown; col. 2, line 66 to col. 3, line 6) the server computer using the type value to identify the medical data collection device (Brown; col. 4, lines 49-60);

iv. configuring one or more components to enable communication with the medical data collecting device (Brown; col. 11, lines 11-23), wherein one component is a configurable multiplexer; and

v. receiving metric data from the medical data collecting device for transmission to the server computer (Brown; col. 6, lines 26-34).

Brown fails to expressly teach the unique resistor value and determining the cable type by performing an operation using the unique resistor value and a fixed resistor value and the server computer using the type value to identify the medical data collection device, per se, since it appears that Brown is more directed to remote monitoring of patients wherein monitoring devices are connected through respective connection cables (Brown; col. 4, lines 24-28 and col. 5, lines 49-57). However, this feature is well known in the art, as evidenced by Picardo.

In particular, Picardo discloses a unique resistor value and determining the cable type by performing an operation using the unique resistor value and a fixed resistor value and the server

computer using the type value to identify the medical data collection device (Picardo; col.2, lines 3-21 and col. 5, lines 56-62).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Picardo with the motivation of determining the therapy protocol that is appropriate for the patient (Picardo; col. 8, lines 50-53).

B. Claims 2-5 have not been amended, and Applicant does not appear to argue the separate patentability of these claims. As such, claims 2-5 are rejected for the same reasons given in the previous Office Action (paper number 2-3), and incorporated herein.

4. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (U.S. Patent No. 5,997,476) and Picardo et al. (hereinafter Picardo) (U.S. Patent No. 7,016,726 B1) as applied to claim 1 above and further in view of Allaire et al. (hereinafter Allaire) (U.S. Patent No. 5,341,812).

A. Claim 6 has been amended to now recite a method of sending metric data from a self-monitoring diagnosis meter to a data repository using an intermediate device with an adaptor assembly, the method comprising:

i. Enabling a first connection between the intermediate device and a self-monitoring diagnostic meter via the adaptor assembly and enabling a second connection between the intermediate device and a host input/output;

ii. Determining a specific type of self-monitoring diagnosis meter by examining at the data repository a cable type value by performing an operation using a unique resistor value and a fixed resistor value repository; and

iii. Configuring the intermediate device using intelligence data sent from the data repository, thereby enabling the intermediate device to receive data via the adaptor assembly from the self monitoring diagnosis meter through the first connection and transmitting the data through a second connection, wherein no operations are performed on the data in the intermediate device.

The obviousness of modifying the teaching of Brown to include performing an operation using a unique resistor value and a fixed resistor value (as taught by Picardo) is as addressed above in the rejection of claim 1 and incorporated herein.

Brown and Picardo both fail to expressly teach an adaptor assembly, per se, since it appears that Brown is more directed to remote monitoring of patients wherein monitoring devices are connected through respective connection cables (Brown; col. 4, lines 24-28 and col. 5, lines 49-57). However, this feature is well known in the art, as evidenced by Allaire.

In particular, Allaire discloses an adaptor assembly (Allaire; abstract, col.3, lines 16-32 and col. 5, lines 27-33).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Allaire with the motivation of interconnecting devices with cables (Allaire; abstract).

B. Claims 7-10 have not been amended, and Applicant does not appear to argue the separate patentability of these claims. As such, claims 7-10 are rejected for the same reasons given in the previous Office Action (paper number 3-4), and incorporated herein.

Response to Arguments

5. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DBC
Art Unit 3626
08/17/2006

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER